

ATTORNEY DOCKET NO: CXU-379 (03-007)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Simionescu et al. ) Examiner: Amina S. Khan  
Serial No: 10/722,142 ) Group Art Unit: 1796  
Filed: November 24, 2003 ) Customer No: 22827  
Confirmation No: 4675 ) Deposit Account No: 04-1403  
For: Fixation Method for Bioprostheses )

**REQUEST FOR REFUND**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned agent of record respectfully requests a refund in the amount of \$235 to Deposit Account No. 04-1403.

A Notice of Appeal and Pre-Appeal Brief Request for Review were filed with the small entity fee of \$250 on January 17, 2007. A second Notice of Appeal was filed on January 16, 2008 with the small entity fee payment at that time of \$255. Subsequently, a Request for Refund of this second fee payment in the amount of \$255 was filed on September 19, 2009. No Response was received to this request prior to March 12, 2009.

A third Notice of Appeal was filed on March 12, 2009. At the time of filing the third Notice of Appeal, the fee for filing a Notice of Appeal for a small entity was \$270. A total of \$505 had previously been paid on the first two Notices (\$250 and \$255) leaving an amount of \$235 (\$505 less \$270), that had been erroneously overpaid by the Applicant. Hence, this third Notice of Appeal was filed with a credit amount of \$235 in the Total Due field.

On March 17, 2009, a Refund was given to the Applicant's representative in the amount of \$250, which was in excess by an amount of \$15.

On October 20, 2009, Applicant filed a fourth Notice of Appeal. At this time, the small entity filing fee for a Notice of Appeal was \$270. No fee payment was included at this time. At this time, Applicants properly owed the Office an amount of \$15.

On December 14, 2009, a fee in the amount of \$250 was charged to the account of Applicant's representative.

Accordingly, Applicants request a refund of \$235, which is that portion of the fees that have been erroneously paid in duplicate over the course of this proceeding, i.e. \$250 less \$15 equals \$235.

Please contact the undersigned should any further information be required.

Respectfully submitted,

DORITY & MANNING, P.A.

01/11/10

Date

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